

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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| SONY MUSIC ENTERTAINMENT, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 1:18cv0950 (LO/JFA) |
| v. |) | |
| |) | |
| COX COMMUNICATIONS, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

This matter is before the court on defendants' motion to seal filed on August 14, 2019. (Docket no. 243). Defendants filed this motion seeking to file under seal portions of their memorandum in support of their motion for discovery sanctions along with 19 exhibits to the supporting declaration of Diana Hughes Leiden ("Leiden Declaration"), and those portions of the declaration citing these exhibits. The memorandum, declaration, and exhibits involved in this motion contain documents and information that have been designated by plaintiffs, the defendants, and third parties MarkMonitor, RIAA, and Audible Magic as Highly Confidential – Attorneys' Eyes Only information under the Stipulated Protective Order. As set forth in defendants' motion,

- Exhibits B, E, F, G, W, X, Y, and Z to the Leiden Declaration were designated by plaintiffs as Highly Confidential – Attorneys' Eyes Only.
- Exhibits I, J, K, M, and S to the Leiden Declaration were designated by third party MarkMonitor as Highly Confidential – Attorneys' Eyes Only.
- Exhibits O, P, and Q to the Leiden Declaration were designated by third party Audible Magic as Highly Confidential – Attorneys' Eyes Only.

- Exhibits T and U to the Leiden Declaration were designated by the RIAA as Highly Confidential – Attorneys’ Eyes Only.
- Exhibit V to the Leiden Declaration was designated by the defendants as Highly Confidential – Attorneys’ Eyes Only.

Defendants filed a memorandum providing support as to why Exhibit V should remain under seal. (Docket no. 244). Plaintiffs filed a memorandum providing support for why the remaining exhibits should remain under seal. (Docket no. 255). MarkMonitor and Audible Magic have each filed a memorandum in support of having the materials they designated as confidential remain under seal. (Docket nos. 262, 276).

Having reviewed the redacted portions of the memorandum and Leiden Declaration and the exhibits that are the subject of this motion, and taking into consideration the arguments presented by the parties and non-parties and the applicable standards as set forth by the Fourth Circuit in *Va. Dep’t of State Police v. Washington Post*, 386 F.3d 567 (4th Cir. 2004) for filing documents under seal relating to this discovery motion, the court finds that the motion to seal should be granted.

By granting this motion to seal, the undersigned is not making a determination that the information that is being allowed to be filed under seal pursuant to this discovery motion may remain under seal in any summary judgment proceeding or will not be disclosed to the public during the trial before the District Judge.

Entered this 29th day of August, 2019.


_____/s/_____
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge

Alexandria, Virginia